

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

EVA HODGES, *on behalf of herself and all others
similarly situated*,

Plaintiff,

v.

NEWREZ LLC d/b/a SHELLPOINT
MORTGAGE SERVICING, and THE BANK OF
NEW YORK MELLON,

Defendants.

Case No. 1:25-cv-10147-ADB

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S AMENDED CLASS ACTION COMPLAINT**

Defendants NewRez LLC d/b/a Shellpoint Mortgage Servicing (“Shellpoint”) and The Bank of New York Mellon (“BNYM”) (collectively, “Defendants”), by and through undersigned counsel and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby respectfully move to dismiss the Amended Class Action Complaint (“Complaint”) filed by Eva Hodges (“Plaintiff”) for failure to state a claim upon which relief can be granted. The grounds and authorities in support of Defendants’ Motion to Dismiss are set forth in the accompanying Memorandum of Law in Support of their Motion, which is incorporated herein by reference.

Request For Oral Argument

Defendants respectfully request that the Court hear oral argument on their Motion to Dismiss Plaintiff’s Amended Class Action Complaint, pursuant to Fed. R. Civ. P. 12(b)(6).

WHEREFORE, Defendants respectfully request that the Court dismiss Plaintiff’s Amended Class Action Complaint with prejudice.

[signatures on following page]

Dated: May 20, 2025

Respectfully submitted,

/s/ Emily C. Shanahan

Emily C. Shanahan (BBO# 643456)

HUSCH BLACKWELL

One Congress Street, Suite 3102

Boston, MA 02114

Phone: (617) 598-6727

Fax: (617) 598-6790

emily.shanahan@huschblackwell.com

Bryan E. Pumphrey (Admitted *Pro Hac Vice*)

MCGUIREWOODS LLP

Gateway Plaza

800 East Canal Street

Richmond, VA 23219

Phone: (804) 775-7745

Fax: (804) 698-2018

bpumphrey@mcguirewoods.com

Melissa O. Martinez (Admitted *Pro Hac Vice*)

MCGUIREWOODS LLP

500 E. Pratt Street, Suite 1000

Baltimore, Maryland 21202-3169

Phone: (410) 659-4432

Fax: (410) 659-4482

mmartinez@mcguirewoods.com

***Counsel for Defendants NewRez LLC d/b/a
Shellpoint Mortgage Servicing and The
Bank of New York Mellon***

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Emily C. Shanahan, counsel for Defendants NewRez LLC d/b/a Shellpoint Mortgage Servicing and The Bank of New York Mellon, and Jennifer Wagner, counsel for Plaintiff Eva Hodges, conferred by telephone on May 19, 2025, regarding the relief sought by this motion and attempted in good faith to resolve or narrow the issues, but were unable to do so.

/s/ Emily C. Shanahan

Emily C. Shanahan (BBO# 643456)

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2025, a true copy of the above document, filed through the ECF system, will be served electronically through the ECF system on the registered participants as identified on the Notice of Electronic Filing (“NEF”), and that paper copies of the above document will be sent by first class mail to those identified as non-registered participants on the NEF on May 20, 2025.

/s/ Emily C. Shanahan

Emily C. Shanahan (BBO# 643456)